

VENABLE LLP

Thomas E. Wallerstein (SBN 232086)

Kimberly Culp (SBN 238839)

Email: twallerstein@venable.com

kculp@venable.com

505 Montgomery Street, Suite 1400

San Francisco, CA 94111

Telephone: 415.653.3750

Facsimile: 415.653.3755

Attorneys for Defendant Almaxwave USA, Inc.

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

LOOP AI LABS, INC., a Delaware
corporation,

Plaintiffs,

v.

ANNA GATTI, an individual,
ALMAVIVA S.p.A., an Italian corporation,
ALMAWAVE S.r.l., an Italian corporation,
ALMAWAVE USA, Inc., a California
corporation, IQSYSTEM LLC, a California
limited liability company, IQSYSTEM Inc., a
Delaware corporation,

Defendants.

CASE NO.: 3:15-cv-00798-HSG-DMR

Hon. Donna M. Ryu

**DEFENDANT ALMAWAVE USA, INC.'s
ADMINISTRATIVE MOTION FOR
LEAVE TO FILE UNILATERAL LETTER
BRIEF RE: ALMAWAVE USA, INC.'S
DISCOVERY REQUESTS TO PLAINTIFF
LOOP AI LABS, INC.**

Action Filed: February 20, 2015

Trial Date: July 11, 2015

On September 28, 2015, this Court ordered [Dkt. No. 222] that, by October 5, the parties submit a joint letter brief regarding defendant Almaxwave USA's discovery requests propounded to plaintiff Loop. Loop refuses to even discuss the issue, much less participate in a joint letter. On September 30 and October 1, Almaxwave USA asked Loop to discuss the matter by phone, and also sent draft joint letters, urging Loop to add its position. Despite sending prolix letters on other issues, and initiating other case activity, Loop refuses to respond.

Almaxwave USA has been attempting to meet and confer with Loop regarding Almaxwave USA's discovery requests to Loop since August 31, but Loop has refused to participate in any meet and confer calls, at least twice canceling a scheduled call on the issue.

Loop failed to provide any substantive responses to Almaxwave USA's targeted Interrogatories. And Loop responded to five of the document requests with boilerplate objections, and not even promising to produce documents. Loop also has produced no documents, instead purporting to make certain documents available through an online application that would have required Almaxwave USA to review documents in Loop's own document review database. That purported "production" is inconsistent with the Federal Rules of Civil Procedure and the explicit electronic discovery instructions in Almaxwave USA's Requests.

In addition, on June 26, Almaxwave served a deposition notice for Loop's PMK. Despite repeated requests over a period of months, counsel for Loop refuses to provide any dates for this deposition.

We are mindful that this Court ordered that it "will only grant leave to file an ex parte discovery letter in exceptional circumstances." But this Court also ordered that a joint letter be submitted on the above issues by today's date, and Loop refuses to cooperate. Mindful of the Court's deadline but unable to comply with it, Almaxwave has been forced to file this motion.

Dated: October 5, 2015

VENABLE LLP
 By: /s/ Thomas E. Wallerstein
 Thomas E. Wallerstein (SBN 232086)
 Kimberly Culp (SBN 238839)
 505 Montgomery Street, Suite 1400
 San Francisco, CA 94111

Attorneys for Almaxwave USA, Inc.